UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/2000/77
31 January 2000

ORIGINAL: ENGLISH

LETTER DATED 28 JANUARY 2000 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you the statement of Jacques Paul Klein, Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina, before the Council of Europe regarding the urgency and need for Bosnia and Herzegovina's admission to the Council (see annex). While noting that still important steps should and must be taken by various officials within Bosnia and Herzegovina, I would most heartedly agree with Mr. Klein's overriding theme that those who view the Dayton/Paris Accords as "temporary" and, in particular, those who would promote the concept of a transient Bosnia and Herzegovina are against Bosnia and Herzegovina's admission to the Council of Europe. The longer the position of Bosnia and Herzegovina in relevant established institutions is blocked from without, the more that will encourage forces within Bosnia and Herzegovina not to fulfil commitments for membership. In effect, those opposing the Peace Accords understand that this gives them an effective veto over Bosnia and Herzegovina's expression of statehood, sovereignty and assumption and realization of human rights and democratic norms consistent with our State's development.

May I ask for your kind assistance in circulating this letter and its annex as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

Annex

APPLICATION OF BOSNIA AND HERZEGOVINA FOR MEMBERSHIP OF THE COUNCIL OF EUROPE

Statement made on 25 January 2000 by the Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina to the Political Affairs Committee of the Council of Europe

You have the grave responsibility to provide advice on a question of historical importance - whether to admit Bosnia and Herzegovina to the Council of Europe. It is an honour to appear before you, in the spirit of cooperation between the United Nations and the Council of Europe, to give personal testimony on this question which, in my view, is as important for the long-term future of Europe as it is for the future of the people of Bosnia and Herzegovina.

Simply stated, my argument is that the new States which have emerged from the former Yugoslavia are like orphans growing up on a religious, cultural and ideological fault line which has historically drawn European nations into intervention and conflict. The people of these fledgling States need to be inside a welcoming European home to support them in asserting democracy and practising European values. Left outside, they risk continuing to be the victims of nationalist leaders with self-interested extremist agendas - thus perpetuating the cycle of national instability, regional insecurity and necessary international intervention.

I speak from the perspective of five years' experience of international peacekeeping and peace-building in the former Yugoslavia. I am a citizen of the United States of America, a country that opened its doors to my mother and myself after the Second World War - a country that, over the past 200 years, has taken in the world's refugees seeking political, economic and religious freedom, and which has led the way in demonstrating strength from ethnic diversity.

I am also a son of Alsace, born only a few kilometres from here. I understand first hand the difficulties of a people always dealing with uncertainty about where they belong. As you are aware, this province changed nationalities six times in 350 years. An each time State borders changed, the culture, the language, the heritage and the destiny of a people came into question.

This is also the current dilemma of Bosnia and Herzegovina. For centuries it has been an area of political and religious contention between the Catholic West, the Orthodox East and the Islam of the Ottomans, overlaid in recent decades by the ideology of oppressive centralization and communism. During the war, it was also a tragic battleground between the ideals of the Englightenment and the dark forces of chauvinism.

The positive legacy of history is encapsulated in the ethnic map in 1991 which shows a patchwork quilt of creeds and customs testifying to the ability of the people to live, work, marry and bring up their families in tolerance.

Sarajevo, where the main Orthodox church, Catholic cathedral, Islamic mosque and Jewish synagogue are within a few hundred metres of each other, was the jewel in the crown.

The ethnic map of today is the result of the crimes of ethnic cleansing between 1992 and 1995 when over 250,000 people were killed and half the population - 2.2 million people - were forcibly displaced. It shows a multi-ethnic State with largely mono-ethnic regions and entities that are economically non-viable and inherently unstable - unless they are regulated by European values and institutions.

The tragedy of the war is that, in an economically depressed environment, dressed in flags of extremism, corrupting history for political purposes and appealing to nationalist myths that never actually happened, politicians unleashed the darkest forces of human nature. These forces are not unique to the people of the Balkans - few States have a history without aberrations.

But when aberrations do occur, and through misjudgement or lack of will we find ourselves temporarily powerless in the face of evil, the challenge is not just to defeat the enemy but to construct a future that will give the best chance for peace, justice and human dignity to prevail.

Dayton was an historic achievement. It ended the fighting through negotiation not capitulation. The price of this negotiated peace was that a protectorate could not be imposed even though, with hindsight, a protectorate of limited duration may have been the most effective and quickest way to implement peace and bring war criminals to justice.

Instead, the Dayton architecture deployed an overwhelming military presence in and around Bosnia, whose purpose was to contain and restrain. The underlying assumption was that outside Powers would ensure that the war does not break out again while internal forces, with international reconstruction assistance, would mend the State of Bosnia and Herzegovina. The new central institutions would be used to re-establish the organic linkages of everyday life that bring diverse cultures and traditions to work together in a single State.

Nearly five years later, we see more clearly two impediments to these assumptions. First, Bosnia and Herzegovina was never an independent State - for 600 years the decisions which affected it were made in someone else's court, be it Istanbul, Vienna or Belgrade. In other words, it always functioned within a larger geo-political construct.

Thus the first challenge is to actually build a State identity. But what is the Bosnian State? Is it the reconstruction of pre-war Sarajevo? Is Bosnia the State of Bosniacs with lesser status for other peoples? Is it a series of ethnic protectorates extending from neighbouring States with Croats looking to Zagreb, Serbs to Serbia, Bosniacs to the Middle East and other minorities left in limbo?

These are the seminal questions which accession to the Council of Europe would lay to rest. Accession would promote State identity through a sense of belonging to a common value system based on respect for individual freedoms,

rule of law and participatory government. It would enable Bosnia and Herzegovina to be confident in its relations with its neighbours and to fulfil its promise of being the most multi-ethnic democratic country in the Balkans.

The second major impediment which Dayton could not address was the continued domination of the political process by wartime leaders and recently enriched elites. And regrettably, even the envisaged mechanisms for apprehending war criminals were not implemented with vigour.

These elites profit from weak and ineffective central institutions. Wartime underground networks to evade the sanctions regime have been turned into politico-criminal networks involved in massive smuggling, tax evasion, trafficking in women and stolen cars. Veterans groups run illegal markets and use the profits to hinder the establishment of effective multi-ethnic police forces. Some politicians play the nationalist card to mask their lack of commitment to developing State institutions. Public accountability and personal responsibility are notoriously absent.

Fortunately, these nationalist elites do not represent the aspirations of ordinary citizens whose life experience has been shaped by influences consistent with the mainstream European heritage. It should not be forgotten that, before 1991, the ordinary citizens of Bosnia and Herzegovina were used to good educational standards, the highest material standard of living in the "communist" system, and had the long experience of coexistence under Tito's concept of "brotherhood and unity".

The political ethos of ordinary people in Bosnia and Herzegovina is thus far more pragmatic and tolerant than the rhetoric of the nationalist elites would acknowledge. We should remember that the people are the political centre of gravity. Indeed, had it not been for Slobodan Milosevic and his associates, the former Yugoslavia would have been among the very first candidates for full integration into Europe. A full decade has been wasted, with only tragedy and tears to show for it.

But we cannot allow ourselves to be captives of the past. Despite fierce obstruction and interference from neighbouring States, with the assistance of the international community the people of Bosnia and Herzegovina have put their energy into building a better future.

Real progress has been made. The country is functional. There is full freedom of movement, infrastructure has been rebuilt, there is a fully functioning common currency, common documents (soon to be supplemented by a single passport), offensive symbols are being removed from public institutions, important facilitating laws, such as on property, have been harmonized and are being implemented.

The United Nations Mission in Bosnia and Herzegovina (UNMIBH), which is charged with police restructuring and reform and judicial assessment, is playing its part in the establishment of the rule of law. In 1995 there were 40,000 wartime police. There are now 20,000, organized on a civilian basis. All of them have undergone human rights and transition training to make them fully aware of the standards required for a truly democratic police force. Our focus

is now on specialized training to bring them up to the most modern international standards.

Two police academies have been fully established to train multi-ethnic police cadets in European policing standards. Graduates are assigned to areas where their presence gives confidence to minority ethnic groups, thus underpinning further minority returns. This year we have initiated a major programme of exchanges of experienced police officers who are themselves displaced persons or refugees.

The fact that minority returns are taking place to locations that were inconceivable a few years ago, such as Ahmici, Prijedor and Drvar, and that displaced persons are conducting assessment visits of their homes in such places as Srebrenica and Foca, is a testament to growing confidence in rule of law institutions.

The laws on internal affairs have been redrafted to be in accordance with European standards. Police officers who violate human rights are regularly investigated and dismissed. More remarkable is that recently two senior police officers were successfully investigated by the internal police disciplinary commission for corruption and were fired - an inconceivable scenario just a short time ago. And the judiciary has begun to tackle even the most politically sensitive cases such as corruption, inter-ethnic violence and the illegal occupation of houses.

In Brcko, the fully integrated multi-ethnic district police force was inaugurated last week. New laws on the police and the judiciary now codify human rights protections and standards in line with the European Convention on Human Rights and Fundamental Freedoms.

For the first time, we have the beginnings of a genuine Bosnia and Herzegovina State Border Service which is a fundamental element of State sovereignty. Personally, I was not surprised that some elements of the present leadership opposed it - the uncontrolled border is probably the greatest revenue source for criminal elements and hard-line nationalists in Bosnia and Herzegovina. By the end of this month, the first fully regulated border entry point in Sarajevo will be opened, to be quickly followed by three major land crossing border posts.

In support of common institutions and national identity, multi-ethnic police officers have been trained to form the first Bosnia and Herzegovina United Nations civilian police contingent, which will be deployed in East Timor next month. This is to be followed this year by a contingent of United Nations military observers and, eventually, a logistics and engineering company serving under the United Nations flag.

I am the first to say that much more needs to be achieved for peace implementation to be self-sustaining. But it is irreversible, and the best way to make it self-sustaining is to engage now, from the inside. To refuse is to reward those who oppose Bosnian State sovereignty and independence and who still harbour fantasies of separatism.

Moreover, we are now at a moment in the wider region that offers real hope for further progress. As long as ultra-nationalist regimes ruled in Zagreb and Belgrade, everything that we did in Bosnia and Herzegovina was problematic. The people of Croatia have at last voted for democracy and economic progress. In doing so, they have sent the strongest message to the Herzegovinian hard-liners - the delusions of partition must end. And my hope is that Croatia will now become part of the solution and not continue to be one of the problems.

I urge you to take advantage of these winds of change. The Council of Europe is in a unique position to reinforce the message to all remaining obstructionists and hard-liners: Bosnia and Herzegovina is a multi-ethnic State with permanent borders, it is an accepted part of Europe, and it is on the right path to be eventually welcomed into the European Union.

Every morning in Sarajevo I pass the queues of young people in front of Embassies applying for visas because they do not see a future for themselves or for Bosnia. They fear being trapped or marginalized from mainstream western development in some Balkan no-man's land fought over and preyed upon by nationalist, extremist and criminal interests. They too need to hear your message. Who will remain to build a stable and prosperous future if the talented young generation departs?

Moreover, I fear that if Europe does not come now to Bosnia, then Bosnia will eventually come to Europe, but it may not be a Bosnia you wish to see sharing your home or even living in your neighbourhood.

Events in Kosovo last year showed yet again that the Balkans have a way of requiring European "attention" in one form or another with relative frequency. The hope is that the new European security architecture and the Stability Pact can prevent such violent and costly eruptions. A Bosnia and Herzegovina which is part of the European family of nations is necessarily at the centre of such a preventive policy. But it will remain a place which can be ruptured at any time by malevolent nationalist forces unless it has the protection of belonging to a greater whole.

I recognize that the arguments for and against immediate accession are finely balanced. Wise judgement must be made.

On the one hand, as I have said publicly in Bosnia, no one wants to invite into his house a quarrelling family or to accept, as an equal, a State whose politicians want only to break it up into principalities where they can reign supreme in their own interests.

On the other, it is my considered assessment that the people of Bosnia and Herzegovina need your assistance to bury the ghosts of the past and take up their rightful place in the European community of nations.

Left outside for too long, one of your closest neighbours may become a breeding ground for anti-democratic and foreign tendencies sustained by exploitation and criminality. There are viruses that are just as unhealthy for Europe as any armed enemy. They have the potential to destabilize and harm the

building of a new Europe in a much more insidious and dangerous way than any armed belligerent.

Four years ago, I argued strongly against the immediate accession of Croatia into the Council of Europe. I did so because I considered that Croatia's place as part of Europe was certain. Therefore, it could be held to stringent conditions before being admitted to the Council.

Today, I argue equally strongly in favour of giving Bosnia and Herzegovina an easier path to accession. I do so because its ultimate socio-political orientation is not yet certain. It deserves special attention. Its future is in your hands.

In this brief post-war period, the people of Bosnia and Herzegovina have been unable, by their own efforts, to seize their destiny and assert their rights. They are on the right track but they need your assistance to gain their freedom - not through the imposition of an extensive list of strict conditions, which the nationalist "kleptocracy" will always ensure are never met, but through acceptance and inclusion. I assure you that there are separatists, obstructionists and extremists who will ensure that any preconditions set will never be met.

By all means, throw down the challenge - identify one test case, one piece of key legislation or one central institution, that must be implemented. Demand that the leadership declares itself - not with broken promises as it did with the Border Service legislation, but with action. If the leadership again fails then move on.

It has been argued that to allow Bosnia and Herzegovina to accede to the Council of Europe before all the conditions are met is to show weakness in the face of obstruction and to give improved electoral prospects to nationalist leaders and parties. I would be the first to oppose any measures that constitute appeasement or giving in to extremists.

But this is an area where strict Cartesian logic cannot always be followed. To allow obstruction to prevail is to reward and empower entrenched interests. It demonstrates that they are being successful in their obstructionist tactics, that they are powerful and that they deserve electoral support.

By contrast, to reach over their obstruction by allowing immediate accession is to marginalize them. It shows to the people that these leaders are powerless to stop progress. They are yesterday's leaders and should be discarded at the polls. As the Balkan proverb says: the dogs bark, but the caravan continues to move on.

I trust the ordinary people of Bosnia and Herzegovina. I have faith in their good sense. They must be the epicentre of our focus. Access to European institutions and regulations will empower them. It will furnish not only the intrusive scrutiny of European institutions but also the instruments of redress that are essential to weaken and eventually remove the exploitative power of nationalist elites.

Without the benefit of such scrutiny and access to these instruments, the people of Bosnia and Herzegovina will continue to be pulled in directions which could undermine the security of Europe as a whole.

The most effective way to prevent such an outcome is to allow Bosnia and Herzegovina to be an integral part of the European family of nations. While it is clear that it still has a distance to go in fully meeting European standards, to deny accession again would only reward those who caused its misfortunes.

The dramatic change in Zagreb, the expansion of the European Union, and the strategic position of Bosnia and Herzegovina in the vision for a strong Europe argues for accession to be given now.

Europe has a choice - to wait and hope that this orphan on an historical fault line will somehow grow by itself into a fully European State, or to seize the initiative, give Bosnia and Herzegovina an anchor and a home in Europe, and work with purpose and perseverance to bring it into full conformity with the laws and regulations of the Council of Europe. I firmly believe that Europe is strong enough to rise to this challenge.

If we in the international community demonstrate the lack of a clear agenda, we send a message of doubt and uncertainty to the people of Bosnia and Herzegovina. We are saying: continue to play along on the surface and wait until either the international community does engage forcefully, or until international attention fades away.

I urge you, do not fall prey to political fatigue, compassion fatigue or donor fatigue. Demonstrate a clear agenda to the citizens of Bosnia and Herzegovina who look to your support. Give them hope, give them a home in Europe, make their entry into the Council of Europe the first accession of the new millennium. If you do so, when the history of this period is written, historians will judge that what you did was just and that it was right.